IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Crim. Application No. 4336 of 2006

Shivkumar Lalchand Maheshwari ..Applicant

vs.

The State of Maharashtra ...Respondent

Shri S.U.Marwadi with Shri G.R.Iyer i/b
V.Mishra and Co. for applicant.
Shri Rajesh More, A.P.P. for respondent State.

CORAM: S.C.DHARMADHIARI J.
20th December,2006

P.C.

1. Heard the learned Counsel.

2. This application is by the applicant who is original accused no.11 in C.R.No.I-101 of 2006 registered at Wagale Estate Police Station, Thane.

3. Shri Marwadi invites my attention to the orders passed in the case of co-accused Sudesh Madhukar Kulkarni and Sudhakar Vithal Narvekar so also in the case of Satish Raghunath Thakre and Krishna Pandurang Gandhe. He submits that Krishna Pandurang Gandhe and Satish Raghunath Thakre were playing some what active role whereas this case is on par with that of Sudhkar Vithal Narvekar and Sudesh Madhukar Kulkarni.

He invites my attention to page 21 of the present application. Shri Marwadi then contends that the applicant is in custody since 14th April, 2006. The charge sheet is filed after investigations are complete. The applicant has played a very limited role in as much as he is not connected with the Trust. He was a mediator between the co accused Ashok Parekh and Sarika.

4. The above facts and the principle of parity are not disputed by the learned A.P.P. In such circumstances the applicant is enlarged on bail. Hence, the following order:

i) The applicant who is arrested in connection with C.R.No.I-101-2006 registered with Wagle Estate Police Station, Thane shall be enlarged on bail subject to furnishing a personal bond of Rs.25,000/- (Rupees Twenty five thousand only) with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once in a fortnight till the charge sheet is filed and subsequently before the Trial Court till the conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of the trial without prior intimation to the Investigating Officer

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observations made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI J.)